

William Michael Marshall
Provence, Tiffany N v. United States of America, et al

December 14, 2021

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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF SOUTH CAROLINA
3 CHARLESTON DIVISION
4 IN ADMIRALTY

5 TIFFANY N. PROVENCE, AS THE PERSONAL
6 REPRESENTATIVE OF THE ESTATE OF JUAN
7 ANTONIO VILLALOBOS HERNANDEZ,

8 Plaintiff,

9 vs. CASE NO. 2:21-cv-965-RMG

10 UNITED STATES OF AMERICA, CROWLEY
11 MARITIME CORPORATION, CROWLEY GOVERNMENT
12 SERVICES, INC., DETYENS SHIPYARDS, INC.,
13 AND HIGHTRAK STAFFING, INC. D/B/A HITRAK
14 STAFFING, INC.,

15 Defendants.

16 DEPOSITION OF: WILLIAM MICHAEL MARSHALL
17 DATE: December 14, 2021
18 TIME: 11:47 a.m.
19 LOCATION: DETYENS SHIPYARDS, INC.
20 1670 Dry Dock Avenue
21 Suite 200
22 North Charleston, SC

23 TAKEN BY: Counsel for the Plaintiff

24 REPORTED BY: MICHAEL DAVID ROBERTS,
25 Court Reporter

1 Thomas, at the top.

2 Do you see that?

3 A. Yes.

4 Q. Does Mr. Thomas still work for Detyens?

5 A. I don't know.

6 Q. You don't recognize his name?

7 A. Well, he was a Hitrak Staffing
8 employee, so I don't know.

9 Q. Okay. And what's your understanding of
10 the relationship between Hitrak Staffing and
11 Detyens Shipyards?

12 MR. CLEMENT: Objection to the form.

13 BY MR. YOUNG:

14 Q. If you know. You can still answer.

15 A. All right. Just that they provide
16 temporary labor and skilled help to Detyens
17 Shipyards.

18 Q. And so maybe let me get this clear.
19 Who is your employer?

20 A. Detyens Shipyards.

21 Q. All right. And it sounded like you
22 have ten folks that report to you that are also
23 employees of Detyens; is that right?

24 A. I have two that are Hitrak Staffing
25 employees.

1 Q. Okay. And another eight that are
2 Detyens employees?

3 A. Yes.

4 Q. And what's the difference? How do you
5 end up with two Hitrak folks? They're just
6 temporary?

7 A. They're full-time firemen so this is a
8 part-time job for them.

9 Q. I see.

10 And are you involved at all -- like
11 let's say you want -- how did they end up working
12 for you? You asked for them or somebody assigned
13 them to you, the Hitrak guys?

14 A. I usually find them through other folks
15 that are in my department. I've had a lot of
16 firemen that worked for me over the years, so
17 they'll recommend somebody. I'll interview them.
18 I'll go to upper management and say I'd like to
19 hire this guy.

20 Q. I see.

21 And then when you hire him, does he
22 become a Detyens employee?

23 A. If I hire them direct occasionally. I
24 don't normally -- I wouldn't hire a part-time
25 person direct. It would be through a staffing

1 agency.

2 Q. Okay. And so when you hire somebody
3 through the staffing agency, tell us how that kind
4 of works.

5 A. I fill out paperwork. I get it
6 approved by upper management, and it goes through
7 Hitrak Staffing just for processing and a timecard,
8 rate of pay, just getting them in their -- on their
9 roles for papers.

10 Q. Okay. And then the person starts to
11 work with you although they're provided by Hitrak
12 Staffing?

13 A. Yes.

14 Q. Okay. And do you know what kind of
15 arrangement there was for Mr. Hernandez at the time
16 he was killed?

17 A. No, sir.

18 Q. Who would be the best person at Detyens
19 to ask about that?

20 A. At Detyens?

21 Q. Anywhere. Detyens, Hitrak.

22 If you were trying to get to the bottom
23 of it, who would you ask?

24 A. I would ask Hitrak.

25 Q. Hitrak.